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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,117	01/30/2002	Mitchell B. Oliver	020229	9924
23696	7590	07/17/2006		
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER NGUYEN, NGA B	
			ART UNIT 3628	PAPER NUMBER

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,117

Applicant(s)

OLIVER ET AL.

Examiner

Nga B. Nguyen

Art Unit

3628

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the communication filed on January 30, 2002, which paper has been placed of record in the file.
2. Claims 1-19 are pending in this application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ojha et al (hereinafter Ojha), U.S. Patent No. 6,598,026.

Regarding to claim 1, Ojha discloses a method for negotiating information associated with a first product between multiple entities, comprising:

receiving a first data associated with the first product from a first delivery entity (figure 8 and column 11, lines 5-13, the laptop Thinkpad 600 from a plurality of merchant, e.g. merchant 1; Note that delivery entities equivalent to sellers);

presenting to the multiple receiver entities, the data associated with the first product (figure 8, the laptop ThinkPad 600 can be presented to a plurality of buyers; Note that receiver entities equivalent to buyers);

receiving a first modification to the first data by the first receiver entity (figure 8 and column 11, lines 14-17, the buyer may submit an individual bid to the merchant 1 for the laptop ThinkPad 600);

presenting the first modification to the first data to the first delivery entity (figure 11 and column 12, lines 9-28, presenting the buyers' bids to for the laptop ThinkPad 600 to the merchant 1);

receiving an acceptance of the first modification from the first delivery entity (figure 12 and column 15, lines 1-30, merchant 1 can accept the bid price or submit a counteroffer); and

associating the first modification with the first receiver entity (figure 11, each buyer submitted a bid assigned a Buyer ID).

Regarding to claim 2, Ojha further discloses storing the product and the first modification in a central repository (figure 1 and column 8, lines 50-55, the website at which transactions between buyers and sellers are facilitated is located on a server 102).

Regarding to claim 3, Ojha further discloses receiving a second modification to the first data from a second receiver entity; receiving an acceptance of the second modification from the first delivery entity; and associating the second modification with the second receiver entity in addition to associating the first modification with the first receiver entity (figure 11, receiving bids from a plurality of buyers from the same merchant 1 and the same ThinkPad 600, e.g. Buyer ID 187, 147, 127, 108, etc).

Regarding to claim 4, Ojha further discloses receiving a second data associated with a second product from a second delivery entity; presenting to the multiple receiver entities, the second data associated with the second product; receiving a first modification to the second data from a one of the multiple entities; receiving an acceptance of the first modification to the second data from the second delivery entity; and associating the first modification to the second data with the one of the multiple entities (figure 9, different products from a plurality of merchants).

Claims 5-7 are written in means that parallel the limitations found in claims 1, 3, 4 above, therefore, are rejected by the same rationale.

Claims 8-15 contain similar limitations found in claims 1-7 above, therefore, are rejected by the same rationale (Noted that carriers equivalent to buyers, developers equivalent to sellers).

Regarding to claim 18, Ojha discloses a method for providing a negotiation forum, comprising:

providing electronic access to an automated system to multiple delivery entities and multiple receiver entities (figure 1 and column 8, lines 50-55, the website at which transactions between buyers and sellers are facilitated is located on a server 102);

presenting to the multiple receiver entities metadata associated with products associated with the multiple delivery entities (figure 9, different products from a plurality of merchants);

receiving modification terms associated with the metadata associated with the products associated with the multiple delivery entities (figure 11 and column 12, lines 9-28, presenting the buyers' bids to for the laptop ThinkPad 600 to the merchant 1);

receiving acceptance of modifications to the metadata (figure 12 and column 15, lines 1-30, merchant 1 can accept the bid price or submit a counteroffer); and

associating the modification of the metadata with multiple receiver entities (figure 11, each buyer submitted a bid assigned a Buyer ID).

Claim 19 is written in computer-readable medium that parallel the limitations found in claim 18 above, therefore, is rejected by the same rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Ojha et al (hereinafter Ojha), U.S. Patent No. 6,598,026.

Regarding to claim 16, Ojha discloses a method of negotiating metadata associated with an application, comprising:

receiving metadata associated with multiple applications (column 19, line 55-column 20, line 5, sellers submitting products information to the transaction site);

presenting the metadata to multiple carriers (figure 8, the laptop ThinkPad 600 can be presented to a plurality of buyers; Note that carriers equivalent to buyers);

providing an automated negotiation forum for the carriers and developers (column 4, lines 27-48);

receiving into the negotiation forum, modifications to the metadata from carriers (figure 11 and column 12, lines 9-28, presenting the buyers' bids to for the laptop ThinkPad 600 to the merchant 1);

modifications to the metadata from developers, acceptance requests from carriers and acceptance requests from developers (column 18, lines 5-21);

associating metadata associated with one of the multiple applications with a carrier (figure 11, each buyer submitted a bid assigned a Buyer ID).

Ojha does not disclose the application for execution on a wireless device. However, executing an application on a wireless device is well known in the art. For example, portable devices (e.g. laptops, PDAs, mobile phones, etc.) can access the Internet for conducting transactions via the wireless network. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Ojha's to incorporate the well known feature above, for the purpose of providing more convenient for customer to conduct transactions over the Internet using a wireless device.

Claim 17 is written in means that parallel the limitations found in claim 16 above, therefore, is rejected by the same rationale.

Conclusion

7. Claims 1-19 are rejected.
8. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Del Sesto (US 6,985,882) discloses method and system for selling and purchasing media advertising over a distributed communication network.

Force (US 6,704,716) discloses method and system for conducting an online transaction that allows the seller and bidder to negotiate.

Woolston (US 6,202,051) discloses facilitating internet commerce through internetworked auctions.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
C/o Technology Center 3600

Art Unit: 3628

Washington, DC 20231

Or faxed to:

(703) 872-9306 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany
Street, Alexandria, VA, First Floor (Receptionist).



NGA NGUYEN
PRIMARY EXAMINER

June 15, 2006